

The City Council met in regular session at the hour of 8:36 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Brian Martin, St. Patrick's Community Church, gave the invocation and led the Pledge of Allegiance to the Flag.

PROCLAMATION OF JON JON'S GRAND CENTRAL STATION DAY - COUNCILMEMBER STERLING

To be rescheduled.

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APPROVE MINUTES OF DECEMBER 2, 2003

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of December 2, 2003, approved as submitted.

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APPROVE THE JOINT REGIONAL JOBS INITIATIVE (RJJI) WORKSHOP MINUTES OF DECEMBER 3, 2004

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the joint workshop minutes of December 3, 2003, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

COMMENDATION TO SAVE MART SUPERMARKETS FOR INVESTING IN A SHOPPING CENTER IN DISTRICT ONE AND FOR THEIR CONTRIBUTIONS TO THE COMMUNITY - PRESIDENT BOYAJIAN

Commendation made.

SOUTHEAST FRESNO'S 24-HOUR TOY DRIVE IN FRONT OF PETER PIPER PIZZA ON KINGS CANYON AND WILLOW AVENUES, AND GIFT WRAPPING PARTY AT MOSQUEDA COMMUNITY CENTER ON DECEMBER 19TH - COUNCILMEMBER DAGES

Councilmember Dages encouraged the community to participate in the toy drive and the gift wrapping event.

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(1-E) RESOLUTION - APPROVING AN AMENDMENT TO THE FY 2003-2004 ANNUAL ACTION PLAN TRANSFERRING \$900,000 OF HOME INVESTMENT PARTNERSHIP ACT FUNDS (HOME) FROM THE NEW HOUSING DEVELOPMENT PROGRAM TO THE RENTAL REHABILITATION PROGRAM

City Clerk Klisch advised there was no resolution associated with the item and removed that part from the title. So noted and corrected.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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ADOPT CONSENT CALENDAR:

Gloria Torrez stated consent calendar items were not routine and should be discussed and voted upon separately, questioned if the funds in **Item 1-E** were the same as Agency Item "A", stated FAX should have fought for the TEA-21 funds in **Item 1-G** to provide better service, and stated no particular areas were identified I **Item 1-H** and she wanted to see more lighting in southeast and southwest Fresno.

(1-A) RESOLUTION NO. 2003-377 - AUTHORIZING EXTENSION OF THE DEPARTMENT OF JUSTICE NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS) GRANT PROGRAM AND EXECUTION OF DOCUMENTS

(1-B) RESOLUTION NO. 2003-378 - 413RD AMENDMENT TO MFS RES. 80-420 REVISING THE LANGUAGE TO THE POLICE DEPARTMENT'S DISTURBANCE RESPONSE FEE

(1-D) RESOLUTION NO. 2003-379 - APPROVING THE FINAL MAP OF TRACT NO 5134, NORTHEAST CORNER OF N. HAYES AND W. GETTYSBURG AVENUES, AND ACCEPTING DEDICATED PUBLIC USES THEREIN

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANT AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT OF FRONT YARD TREES

(1-E) APPROVE AMENDMENT TO THE FY 2003-2004 ANNUAL ACTION PLAN TRANSFERRING \$900,000 OF HOME INVESTMENT PARTNERSHIP ACT FUNDS (HOME) FROM THE NEW HOUSING DEVELOPMENT PROGRAM TO THE RENTAL REHABILITATION PROGRAM

(1-I) APPROVE CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2004

(1-J) APPROVE THE SECOND AMENDMENT TO THE JOINT POWERS AGREEMENT BETWEEN THE COUNTY OF FRESNO AND THE CITY OF FRESNO ADDING ARTICLE XII AS IT APPLIES TO WASTEWATER DISCHARGE REGULATIONS

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

APPEARANCE BY MR. HARRY HWANG, LOS ANGELES, CA, REGARDING INVESTING IN THE J.C. PENNEY BUILDING ON THE FULTON MALL

Mr. Hwang advised he wanted to invest in the J.C. Penney building downtown, spoke to his frustration in his dealings with staff, and stated his project would be a department store and not a typical swap mall as stated by staff, displaying a rendering to illustrate. Assistant City Manager Souza, Planning & Development Director Yovino, Councilmember Dages, City Attorney Montoy and Mr. Hwang clarified issues and/or responded to questions of Acting President Castillo and President Boyajian relative to who Mr. Hwang spoke with, why someone who wanted to invest over \$1 million downtown was not being accommodated, if Mr. Yovino was familiar with the project, the issue not being simply downtown investment, staff's numerous meetings with Mr. Hwang and preliminary determination/position on need for a director's classification, a CUP, and for Mr. Hwang to go through a process, monitoring sales taxes being the reason for a single cash register, if there were models to look at for multiple registers, why a CUP was needed, and how much Mr. Hwang was planning to invest in the project. Council recommended Mr. Hwang continue to talk with staff and staff was requested to meet with Mr. Hwang and let him know whether his project would or would not work so Mr. Hwang does not waste his money or any more of his time.

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(2-A) INTRODUCTION OF ORDINANCES TO REGULATE SOLID WASTE AND RECYCLING FACILITIES, TO INSPECT AND MONITOR NONCONFORMING USES AND STRUCTURES, AND TO ABATE PUBLIC NUISANCES

1. BILL NO. B-100 - ADDING ARTICLE 3 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE RELATING TO THE REGULATION OF SOLID WASTE AND RECYCLING FACILITIES IN THE CITY OF FRESNO

2. BILL NO. B-101 - ADDING SUBSECTION L TO SECTION 12-317 OF THE FRESNO MUNICIPAL CODE RELATING TO THE INSPECTION AND MONITORING OF LEGALLY NONCONFORMING USES AND STRUCTURES

3. BILL NO. B-102 - AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO THE ABATEMENT OF PUBLIC NUISANCES

City Attorney Montoy gave a brief overview of the issue noting these ordinances were prepared in response to Council's approval of the Crippen fire task force's recommendations, advised the ordinances basically related to non-conforming uses and solid waste and recycling facilities, and along with Deputy City Attorney Phelan responded to questions of Councilmember Dages relative to whether the ordinances pertained to private companies who handle recycling for existing businesses, who determines "threat to the public health and safety", jurisdictional issues and concern with infringing on County Health Department, and definition of non-conforming uses and amortization/life of a building.

City Manager Hobbs and Councilmember Sterling complimented Ms. Montoy and her staff for their exceptional and timely work with other city departments, commended all the involved agencies for their great collaborative effort, and Councilmember Sterling advised adoption of these ordinances would implement 23 out of the 24 task force recommendations and made a motion to introduce the ordinances, which motion was seconded and acted upon after additional discussion. Mr. Montoy and Ms. Phelan responded to questions of Councilmember Calhoun and President Boyajian relative to whether these ordinances would prevent the operation of illegal businesses like those who operated in northwest Fresno along Freeway 99, if the ordinances applied to storage of junked cars and tractors, **(2 - 0)** and if businesses who started up six months ago could be monitored.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill Nos. B-100, B-101 and B-102 introduced before the Council and laid over, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(3-B) ADOPT RESOLUTIONS AS RECOMMENDED DURING THE REGIONAL JOBS INITIATIVE (RJI) WORKSHOP HELD ON DECEMBER 3, 2003 - COUNCILMEMBER DUNCAN

1. RESOLUTION NO. 2003-380 - A JOINT RESOLUTION OF THE FRESNO CITY COUNCIL, CLOVIS CITY COUNCIL AND FRESNO COUNTY BOARD OF SUPERVISORS DECLARING THEIR COMMITMENT TO WORK COLLABORATIVELY TOWARDS THE GOALS OF THE FRESNO REGIONAL JOBS INITIATIVE

2. RESOLUTION NO. 2003-381 - A JOINT RESOLUTION OF THE FRESNO CITY COUNCIL, CLOVIS CITY COUNCIL AND FRESNO COUNTY BOARD OF SUPERVISORS DIRECTING THE FORMATION OF THE FRESNO/CLOVIS/COUNTY RJ ADVISORY BOARD

Councilmember Duncan stated the joint meeting last week on the Regional Jobs Initiative (RJI) was an historical event with a huge private sector involvement, and noted these two resolutions were the outcome of that meeting, spoke to the importance of them, and made a motion to adopt the resolutions urging a unanimous vote, which motion was seconded and acted upon after discussion.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and stated there were plenty of jobs available in the city.

Councilmember Calhoun spoke to the need for funding to implement the RJI and emphasizing job creation was at the top of every voters' list read a statement into the record (a complete copy of which is on file in the office of the City Clerk) that suggested voters approve a "new and improved" Measure J (for jobs) that would combine the need for RJI/Economic Development funding as well as transportation funding as he strongly believed the two thirds vote necessary for Measure C would not occur unless the spending and investment plan was dramatically changed to reflect the critical needs of the community, and noting Madera County shared many similarities with Fresno County suggested a Madera County Supervisor be asked to serve as a "liaison" to the RJI. Councilmembers Sterling and Dages spoke briefly in support of the issue and to the need to implement the RJI Plan.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-380 and 2003-381 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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The visiting third grade class from Del Mar Elementary School was recognized and welcomed.

(9:45 A.M.) CONSIDERATION OF THE CITY OF FRESNO BICYCLE TRANSPORTATION PLAN FOR THE FRESNO METROPOLITAN AREA AND RELATED ENVIRONMENTAL FINDINGS FOR ENVIRONMENTAL ASSESSMENT NO. EA-03-075
1. RESOLUTION NO. 2003-382 - ADOPTING THE CITY OF FRESNO BICYCLE TRANSPORTATION PLAN

Planning and Development Director Yovino thanked his staff, the bicycle work group, and public works staff for all their time and work on the plan and completing it in one year, and noted the General Plan had a Transportation Element that stated a balanced transportation system was needed to make the general plan work and a bicycle transportation system was part of that.

Planner Beedle gave an overview of the Bicycle Transportation Plan, using the overhead to illustrate, all as contained in the staff report as submitted, and recommended adoption; and Assistant Public Works Director Elam briefly spoke further to the issue and to the groups' work and efforts stating this was a real important piece of work for the City, the bicycle community and commuters.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, opposed; and Nicholas Paladino, 8735 N. Cedar, Fresno Cycling Club, Theresia Rogerson, 4267 N. Thorne, Chair, Fresno County Bicycle Coalition, Bruce Morris, 1353 N. Calaveras, Member, Bicycle and Pedestrian Advisory Committee (BPAC), and Steve Lewis, 8029 N. Sixth Street, all in support of the plan.

Planner Unruh and Mr. Yovino responded to questions/comments of Councilmember Calhoun and/or clarified issues relative to the Herndon Avenue bike path and Coventry Court **(3 - 0)**, whereupon Councilmember Calhoun stated he would support the plan because the Coventry Court wall would be moved and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Mr. Unruh, Mr. Elam, Councilmember Calhoun and City Attorney Montoy responded at length to comments/questions of Councilmember Dages relative to his concern with a designated bike lane in front of a business on Willow Avenue between Lane and Kings Canyon because it has caused a decrease in business, how that bike lane could be eliminated from the plan, need to support businesses and be sensitive to them, if the motion-maker would amend the motion to change the Willow Avenue/Lane to Kings Canyon Bike Lane to a Bike Route (with Councilmember Calhoun stating he experienced the same problems with business/homes on Palm Avenue and he would not accept the amendment), what the options were to change the bike lane to a bike route, difference between a bike land and bike path, what the planned designations were on Ventura and concern with limiting businesses' parking, plans for Butler Avenue, need to get input from affected property and business owners, and concern with California Avenue being designated a bike path when it is not even a road. Councilmember Dages directed staff to schedule on the December 16th agenda a request to make a minor adjustment to the Bicycle Transportation Plan to change the east side of Willow Avenue from Lane to Kings Canyon from a Bike Lane to a Bike Route.

Councilmembers Duncan, Calhoun, Perea and Acting President Castillo all spoke in support of the Plan, to the need for it to be approved citing the safety of bicyclists, noted concerns could be addressed on a case-by-case basis, stated Council needed to weigh if parking for people was more important than bike riders, the issue being the integrity of a plan, and need for people to be able to ride their bikes without any roadblocks. Mr. Elam responded to questions of Acting President Castillo relative to enforcement, and questioned if Councilmember Dages would submit his request for a change to the BPAC stating it would set up a process for these types of requests and if the BPAC approved the change the matter would not have to come back to Council for a vote. Councilmember Dages stated the matter did not through a process and a problem was still present and he wanted it scheduled next week for a vote. Mr. Elam responded to questions of President Boyajian relative to how priorities are determined for routes and lanes and if a bike route map, similar to bus route maps, would be made available for bike riders (**4 - 0**). President Boyajian thanked all those involved in developing the plan and for everything that has been done in his district, and requested staff and/or the committee do all they can to insure bike paths do not impede on anyone's parking.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2003-382 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea, Sterling, Boyajian
Noes	:	Dages
Absent	:	None

(10:00 A.M.) HEARING ON THE VACATION OF THE PALM-SAFFORD ALLEY BETWEEN FRANKLIN AND "H" STREET
1. RESOLUTION NO. 2003-383 - ORDERING THE VACATION OF THE PALM-SAFFORD ALLEY BETWEEN FRANKLIN AND "H" STREET, AS AMENDED

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn gave a brief overview of the issue, and along with City Attorney Montoy noted the attorney's office had a concern with the closure and property rights of three property owners and advised minor language modifications would be made to the resolution stating it could not be recorded until all cross access easement issues with the property owners are resolved.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who spoke to the need to obtain the input of area residents; and Jeff Kasley, 8197 N. Barton, representing Producers Dairy, who advised they had notarized statements of agreement to this vacation from every property owner as did City staff.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Sterling spoke in support of the vacation stating it would allow Producers to remain in the area, expand, and continue to provide jobs for the community and a good quality of life for their employees, and made a motion to approve staff's recommendation. Upon question of President Boyajian, Mr. Kasley explained why the vacation was needed.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-383 hereby adopted, as amended, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(10:10 A.M.) REQUEST FOR UPDATE ON TRANSFER STATION - COUNCILMEMBER PEREA

Public Utilities Director McIntyre responded to questions of Councilmember Perea relative to status of the contract signing, when construction would start, and the facility itself and if it was up to standards. Acting President Castillo expressed concern that Mr. McIntyre had not visited the site and questioned who had, if the city manager had received any updates, and if Don Smith was an expert and if any comments had been received from him. Councilmember Calhoun left the meeting at 11:19 a.m. Acting President Castillo requested staff provide a written report on any concerns or red flag. No action was required and there was no further discussion.

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(10:15 A.M.) HEARING REGARDING REZONE APPLICATION NO. R-03-21, FILED BY LATCO ENTERPRISES, PROPERTY LOCATED AT THE NORTHWESTERLY SIDE OF FIGARDEN DRIVE BETWEEN N. SANTA FE AND W. SIERRA AVENUE LOCATED IN COUNCIL DISTRICT 2 - (CONTINUE TO JANUARY 13, 2004, AT 10:00 A.M.)

Continued as noted.

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(10:30 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 59 - FINAL TRACT MAP NO. 5135

1. RESOLUTION - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION - DECLARING ELECTION RESULTS
4. BILL - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirm advised the applicant was requesting a one week continuance to address concerns with the amount of the maximum special tax and added staff was in agreement with the request.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the hearing on CFD No. 2, Annexation No. 59, continued to December 16, 2003, at 2:15 p.m., by the following

Ayes	:	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	Calhoun

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(10:40 A.M.) HEARING ON REZONE APPLICATION NO. R-03-52 AND ENVIRONMENTAL FINDINGS, FILED BY LISA QUIMET-MONACO, PROPERTY LOCATED ON THE NORTH SIDE OF W. HERNDON BETWEEN N. GOLDEN STATE BOULEVARD AND FREEWAY 99

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-52, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM M-1/UGM TO C-M/EA/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy advised staff and her office were requesting a one week continuance and the applicant had no objection. A motion and second was made to continue the hearing to December 16th.

Ray Salazar, representing the applicant, stated the reason for the postponement was not clear and questioned who would negotiate with Caltrans, what the purpose was, and if a traffic study was needed, with Ms. Montoy stating staff would have to confer first and staff may be able to sort issues out in the next week.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the hearing on R-03-52 filed by Lisa Quimet-Monaco continued to December 16, 2003, at 11:00 a.m., by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : Calhoun

RECESS - 11:24 A.M. - 11:35 A.M.

(11:00 A.M.) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(A) DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: CITY OF FRESNO V. SOUZA, ET AL. POSSIBLE EMINENT DOMAIN ACTION TO ACQUIRE PROPERTY OWNED BY JOE SOUZA FARMS AND SANDRA M. TAVARES (APN NOS. 328-040-30, 328-230-02, 328-050-31 AND 327-070-43)

(B) DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: CITY OF FRESNO V. STATE OF CALIFORNIA

The City Council met in closed session in Room 2125 at the hour of 11:35 a.m. to consider the above issues and recessed for lunch thereafter.

LUNCH RECESS - 12:25 P.M. - 2:04 P.M.

(2:00 P.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council convened in joint session with the Redevelopment Agency at 2:04 p.m. with all members present.

APPROVE AGENCY MINUTES OF NOVEMBER 18, 2003

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the Agency minutes of November 18, 2003, approved as submitted.

(“A”) APPROVE A HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) AGREEMENT BETWEEN THE CITY OF FRESNO AND THE HOUSING ASSISTANCE CORPORATION FOR \$900,000 FOR AN AFFORDABLE RENTAL HOUSING PROJECT IN NORTHWEST FRESNO (ACQUISITION AND REHABILITATION OF THE BRIERWOOD COURTS APARTMENTS), AND RESCIND JOINT RESOLUTION NO. 2003-268/1638 WHICH RESERVED \$900,000 OF HOME FUNDS PREVIOUSLY DESIGNATED FOR A RESIDENTIAL MIXED-USE PROJECT AT 1807 BROADWAY

1. JOINT COUNCIL/AGENCY RESOLUTION NO. 2003-384/1642 - RESCINDING JOINT RESOLUTION NO. 2003-286/1638 WHICH CONDITIONALLY ALLOCATED UP TO \$900,000 IN FY 2003-2004 HOME PROGRAM FUNDS TO AN AFFORDABLE HOUSING PROJECT AT 1807 BROADWAY IN DOWNTOWN FRESNO

Housing and Community Development Manager Sigala reviewed the issue as contained in the staff report as submitted and recommended approval, and upon question confirmed Self-Help funds were not being affected. A motion and second was made to approve staff's recommendation. Director Fitzpatrick added the matter had been discussed at length at the Housing Interagency Task Force meeting and the task force recommended approval. Councilmember Calhoun spoke in support of the issue stating this would move the rehabilitation of the apartment complex forward.

Barbara Hunt, 2475 S. Walnut, spoke in opposition stating the funds should remain with the Broadway project.

Mr. Sigala responded briefly to questions of Acting President Castillo relative to how and why the funds were being transferred. Councilmember Sterling explained the Broadway project would still be addressed and the northwest project was a good project and necessary to provide low-income housing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, a Home Investment Partnership (HOME) Program agreement between the City and the Housing Assistance Corporation (HAC) authorizing a \$900,000 no interest forgivable loan for the acquisition and rehabilitation of the Brierwood Courts apartments hereby approved, and the above entitled

Joint Resolution No. 2003-384/1642 hereby adopted, by the following vote:

142-207

12/9/03

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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The joint bodies adjourned their meeting at 2:12 p.m. and the City Council convened in regular session.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-C) REJECT ALL BIDS FOR THE REQUIREMENTS CONTACT FOR BULK OXYGEN SUPPLY STORAGE AND GASEOUS OXYGEN PRODUCTION SYSTEM, AND DIRECT STAFF TO REBID THE PROJECT WITH REVISED SPECIFICATIONS

Councilmember Dages stated he just wanted to point out last week someone, in his opinion, had an insufficient license and was awarded a contract yet with this issue staff was recommending rejecting bids because of deficient licenses and stated it was frustrating to him. Interim Purchasing Manager Smith clarified the bids were being rejected because the required contractors A license was not stated in the Notice Inviting Bids and she was not aware it had to be as required by law.

On motion of Councilmember Duncan, seconded by President Boyajian, duly carried, RESOLVED, all bids for the requirements contract for bulk oxygen supply, storage and gaseous oxygen production system hereby rejected, and staff directed to rebid the project with revised specifications, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-F) APPROVE THE THIRD AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH QUAD KNOPF, INC., FOR THE PREPARATION OF ADDITIONAL TRAFFIC ANALYSIS AS PART OF A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE WIDENING OF CHESTNUT AVENUE FROM SHAW TO BULLARD AVENUES

Interim Assistant Public Works Director Jarvis clarified issues/responded to questions of Councilmember Dages relative to why funds were being spent on a project that was going nowhere due to the State pulling the funds, the six month suspension of funds and if the project and funding was still an "if" situation, and the 180 east traffic impact on Peach Avenue and if the Peach Avenue project was still being pursued. A motion and second was made to approve staff's recommendation. Mr. Jarvis responded to questions of President Boyajian relative to the consultant selection process, if staff had a list of consultant firms, the increased cost, surprise with the need for an EIR due to the Save Mart Arena and why Fresno State was not conducting an EIR, and if the cost would increase if another firm was selected.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the third amendment to the consultant services agreement with Quad Knopf, Inc., for the preparation of additional traffic analysis as part of a Focused Environmental Impact Report for the widening of Chestnut Avenue from Shaw to Bullard hereby approved, and the City Manager or designee authorized to execute the agreement on behalf of the City, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-G) DIRECT PUBLIC WORKS STAFF TO SUBMIT GRANT APPLICATIONS TO REBUILD THE MCKENZIE TRAIL IN SOUTHEAST FRESNO AND FOR THE REHABILITATION AND RESTORATION OF THE HISTORIC SANTA FE DEPOT IN DOWNTOWN FRESNO

Councilmember Calhoun noted two projects were involved and he could not approve this under consent, stated there seemed to be a surprise with the deadline and a need to identify projects and questioned how this came to be and why an application was being made at the 11th hour, noted he knew nothing about the McKenzie Trail, and questioned why funds were being applied for the Santa Fe Depot as he thought funds had already been approved **(5 - 0)**, why these projects were chosen, if Council should have had input and helped determine

priorities, and what the status was with the depot contractor issue, with Public Works Director Ruiz responding. Councilmember Calhoun requested staff include more information on projects in future staff reports and made a motion to approve staff's recommendation.

142-208

12/9/03

Mr. Ruiz, City Attorney Montoy and City Manager Hobbs clarified issues/responded to questions of Acting President Castillo and President Boyajian relative to whether the City was competing for dollars with anyone else, type of funds involved, determining priorities and why the Warehouse Row linear park/trail and Eaton Plaza projects were not considered, and whose priorities these were.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, staff authorized to submit applications for funding to facilitate the rebuilding of the McKenzie Trail and the rehabilitation and restoration effort of the Historic Santa Fe Depot, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-H) RESOLUTION NO. 2003-385 - 48TH AMENDMENT TO AAR 2003-209 TO RE-BUDGET CAPITAL FUNDING IN THE AMOUNT OF \$300,000 FOR CITYWIDE STREETLIGHT RELAMPING BASED ON CARRYOVER BALANCES OF FY 2003

Councilmember Sterling advised her questions were answered by staff and made a motion to approve.

On motion of Councilmember Sterling, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2003-385 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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CLOSED SESSION ANNOUNCEMENTS

City Attorney Montoy announced the matter of **Item "A"**, City of Fresno v. Souza, et al., Council voted 6-1 not to proceed with litigation at this time with Acting President Castillo recusing himself; and in the matter of **Item "B"**, City of Fresno v. State of California, Council voted 5-2, with Councilmembers Dages and Duncan voting "no", to authorize joining statewide litigation challenging the State shifting local sales tax to fund the State deficit with a budget not to exceed \$25,000.

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(2:30 P.M.) WORKSHOP ON CODE ENFORCEMENT - MEETING ROOM "A" - 2165N

(Tape A) Planning and Development Director Yovino gave an overview of the issue, introduced Code Enforcement Manager Villa, referenced the priorities that had been laid out and displayed by staff for Council's information, and advised the workshop had two objectives: (1) to make Council clear on the City's current program, and (2) for Council discussion and direction on priorities and where they feel changes, if any, may need to be made, and added if there is any redirection of priorities other departments could be affected. City Manager Hobbs noted the issue was agendized as a workshop so no formal action could be taken but emphasized staff was very much interested in Council's comments/input, and added any Council direction would come back as an agenda item at a future meeting. City Attorney Montoy noted the Code Enforcement Division was the main division for enforcement but added a lot of code enforcement was also conducted by other city departments such as police, fire and the business license division.

Code Enforcement Manager Villa gave a Power Point/Slide presentation on the division covering the following issues: Current Staffing, Housing Code Enforcement/Types of Issues Handled, Commercial/Residential Demolition Team, Public Nuisances, Zoning Cases, Complaint Process (who/where complaints come and are received from), Inspection Review Process, Summary Abatements, Code Duty Assignments (including current vacancies), Cases Resolved Annually, FY 2004 Code Enforcement Budget, Possible Funding Losses and Potential Impacts, Cost Recovery Program, New./Additional Code Enforcement (within the last three years and upcoming), Code Enforcement Highlights, Anti-Graffiti Program including the Taggers to Work Program, Education, Building Partnerships, and the Anti-

Graffiti Team accomplishments, Number of Council Service Requests, and the Benefits of Code Enforcement.

Lengthy discussion ensued. Councilmembers Duncan, Sterling, Dages, Perea, Castillo and President Boyajian commended staff for all their good work and commented on the issue and presented questions relative to whether weed abatement was a seasonal problem, staffing for vacant buildings, need to do more regionally and have all regional teams, high risk CUPs and if the code enforcement division was

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involved, need to periodically and randomly check up on all CUPs (not just the high risk ones) to make business owners aware, illegal dumping and process for innocent parties, follow-up on fines, the homeless, past and current number of cases per inspector, need for after-hour inspections, demolitions and costs, collection process for fines, vehicles parking on lawns (*Tape B*), mobile vendors and if the ordinance could be changed to prohibit vendors on residential streets, Operation Clean Up, educational campaigns and if the media would be used, public nuisances, what could be done with the Penny Candy building now being used for storage only, how homeowners who neglect their homes and choose not to participate in rehabilitation programs can be dealt with, dangerous/unhealthy/unsafe apartments and homes, slumlords, if a once-a-month program to address cars parked on laws could be instituted, what can be done about people taking advantage of recycling bins and loitering/hanging out/drinking around the bins, options for home buyers who purchase homes with existing violations, tarp structures, concern with inspectors dealing only with complaints called in and not with the "same obvious violations next door", rat problems and responsible agency, need for geographical staff assignments by council district (for complaints or commendations), problem with a home at Cedar and Millbrook that is out of compliance, need for legislation to make landlords/property owners responsible, need for code enforcement staff to ask Council for resources, illegal posting of garage sale signs, and the problem of vacant buildings, with President Boyajian displaying photographs of vacant/blighted homes in his district. Mr. Villa, Mr. Hobbs, an unidentified code enforcement staff member, Mr. Yovino and Ms. Montoy responded throughout to questions and comments. Mr. Hobbs thanked Council for their interest and support and there was no further discussion.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:25 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the ____16th____ day of ____December____, 2003.

Tom Boyajian, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk

(5:15 PM.) HOLIDAY TREE LIGHTING CEREMONY - 2ND FLOOR FOYER

Held.

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